

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARC FISHMAN,

Civil Action No.

PLAINTIFF,

19-CV-265 (NSR)

(VR)

-against-

CITY OF NEW ROCHELLE,

DEFENDANT.

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300 Quarropas Street

White Plains, New York 10601

December 4, 2023

12:45 p.m.

Examination Before Trial of ISABEL BOLIVAR,
a Non-Party Witness in the above-captioned
matter, held at the above time and place, before
Howard Breshin, a Notary Public of the State of
New York.

BOLIVAR

A P P E A R A N C E S:

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STIPULATIONS

IT IS HEREBY STIPULATED AND AGREED
by and between the attorneys for the
respective parties hereto, that this
examination may be sworn to before any
Notary Public.

IT IS FURTHER STIPULATED AND
AGREED that the sealing and filing of
the said examination shall be waived.

IT IS FURTHER STIPULATED AND
AGREED that all objections to questions
except as to form shall be reserved for
trial.

1 STIPULATIONS

2 Q. And then did Mr. Fishman then ask you
3 to drive to the police station?

4 A. Yes.

5 Q. And then you did drive to the police
6 station, correct?

7 A. Absolutely.

8 Q. Okay. Did you come to learn at the
9 police station he was arrested?

10 A. I have felt we were all arrested.
11 That was my impression.

12 Q. I am not asking how you felt, I am
13 just asking whether you learned at the police
14 station whether Mr. Fishman had been placed under
15 arrest?

16 A. After many hours.

17 Q. Just say yes or no.

18 A. Yes.

19 Q. How did you learn that?

20 A. So Lane Schlesinger approached me
21 after not allowing me to go into the room with
22 him and Ann Elliott. And I think it was to
23 Marc's detriment because I had the older orders
24 and I could have explained, I could have
25 articulated the whole situation in a way that he

STIPULATIONS

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2 couldn't have at the time, right? And so after
3 they finished he approached me, he gave me his
4 wallet and I think there was a question of how
5 much money you had to put in for bail. Like I
6 think initially they said something to the effect
7 of \$1,000, but then they looked at what he had in
8 his wallet and they took out \$300. And then they
9 ordered me to take Ann home and come back to pick
10 him up. And upon picking him up, I realized the
11 gravity of the situation.

12 But the moment I stepped into that
13 precinct I wasn't sure what Ms. Solomon was going
14 to do and I was very intimidated by those police
15 officers, including Mr. Schlesinger. And I
16 remember the other officer, Joseph Myron, telling
17 me that I should be ashamed of myself for
18 participating in this being an officer. And I
19 found that very offensive as a minority and I
20 took everything in a very negative context.

21 So I left, I dropped Ann home and went
22 back to the precinct. And then it was the same
23 posture, they said they would let him leave with
24 me, but until that moment I really thought that I
25 was being detained as well. And, you know, later

1 STIPULATIONS

2 when I say short-term memory I mean a span of
3 years, right? So he could remember things in a
4 very detailed fashion that took place 20 years
5 ago but if you ask him something that took place
6 three years ago, he is not going to collect it.
7 And he still has some difficulty with it but he
8 has done a lot of therapy with a number of
9 specialists in New York and in California so he
10 is better but he still has some of these issues.

11 So I believe that I could have made
12 reference to the order from Schauer as well as
13 the order of protection that we were aware of
14 because we were not aware of the one that was
15 issued in 2017. So I think I would have been
16 able to explain a lot of this and help avoid
17 everything that happened to the detriment of
18 these children, him and our families, right?

19 Q. Is it your opinion that Marc wouldn't
20 have been able to explain that himself alone?

21 A. I am sorry?

22 Q. Is it your opinion that you wouldn't
23 be -- that Marc wouldn't have been able to
24 explain that to the officers himself?

25 MR. LOOMBA: Objection to form.

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STIPULATIONS

MR. LOOMBA: I object to form.

A. I told him I wanted to go in with them to explain the situation, to participate in the interrogation and he literally put his arm out and he stopped me. He didn't let me.

MR. DEMIRAYAK: I have no other questions.

MR. LOOMBA: No further questions for me either. Thank you very much.

THE COURT REPORTER: Caner, are you orderint this witness as well?

MR. DEMIRAYAK: Yes.

(Time noted: 1:45 p.m.)